

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANGELA RICHARDSON,

Defendant.

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CASE NO. 8:11CR68

TENTATIVE FINDINGS

The Court has received the Revised Presentence Investigation Report ("PSR") and the parties' objections thereto (Filing Nos. 24, 25). See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

The parties object to the 4-level enhancement under U.S.S.G. § 2B1.1(b)(8)(B) in ¶ 33 of the PSR for making a misrepresentation or other fraudulent action during the course of a bankruptcy proceeding. The enhancement was not contemplated by the parties in reaching their plea agreement and is contrary to the plea agreement. The Court intends to uphold the plea agreement.

IT IS ORDERED:

1. The Defendant's objections to the PSR (Filing No. 25) are granted;
2. The government's objections (Filing No. 24) are granted;
3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the

submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 3 of this Order, my tentative findings may become final; and

5. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 6th day of September, 2011.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge